

## REMARKS

### INTRODUCTION:

The Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-29 are pending and under consideration. Claims 1, 4, 11, 21, 23-25, and 27-29 are the independent claims.

Claims 1-7, 12-14, 21-24, and 28-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yonemitsu et al. (U.S. Patent No. 5,734,787).

Claims 8-10, 15-20, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonemitsu et al. (U.S. Patent No. 5,734,787) in view of the admitted prior art disclosed in Figure 1 of the present application.

On pages 6-7 of the Office Action, the Examiner provisionally rejects claims 1-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending application no. 09/534,494. The rejection is traversed, and reconsideration is respectfully requested.

The specification has been amended to clarify typographical errors as would have been understood by one skilled in the art.

No new matter is being presented, approval and entry of the forgoing amendments is respectfully requested.

### REJECTION UNDER 35 U.S.C. §102(b):

On pages 2-3 of the Office Action, the Examiner rejects claims 1-7, 12-14, 21-24, and 28-29 under 35 U.S.C. § 102(b) as being anticipated by Yonemitsu et al. (U.S. Patent No. 5,734,787). The Applicants respectfully traverse the rejection and request reconsideration.

The Examiner references Figure 13, as well as column 5, lines 43-54, and column 18, lines 10-16, of Yonemitsu et al. as disclosing an optical disc recording/reproducing apparatus showing all the limitations recited in claims 1 and 21-24 of the present application. However, the Applicants respectfully submit that Yonemitsu et al. does not disclose a multi-session disk comprising a compact disc read only memory (CD-ROM) session in which a lead-in area, a lead-out area and a user area, each having a CD-ROM format, are distinguished, and a digital versatile disc (DVD) application formatted according to a predetermined file system recorded in

the user area as recited in claim 1 of the present invention. Specifically the citation discloses a disc that can be used as a CD-ROM or as a DVD. No suggestion is made that the disc of Yonemitsu et al. be used to store DVD data on a disk having a CD-ROM format in a lead-in area, a lead-out area, and a used area as claimed in the present invention.

Furthermore, the citation makes no suggestion or disclosure that information having a second format type according to a predetermined file system be recorded in a user area having a first format type as recited in claim 21 of the present invention. While the citation does mention various types of data that may be stored on the disc disclosed therein, Yonemitsu et al. does not suggest or disclose storing data having one format in an area having another format by utilizing a predetermined file system.

The Applicants further submit that the citation does not disclose using a predetermined file system to format a data stream as recited in claims 23, 24, and 28 of the present invention.

With regard to the Examiner's rejection of claims 4-7, 11-14, and 29, the Applicants respectfully submit that the present invention as recited in these claims is not drawn to all optical discs, but to "CD-type disc[s]" as recited therein.

The citation, however, is specifically drawn to non-CD-type discs. The Applicants respectfully submit that it is commonly known in the art that CD-type discs have a specified physical format. Specifically, CD-type discs have a track pitch of 1.6 microns  $\pm 0.1$  micron. The disclosure of the citation is specifically limited to an alternate optical disc design that utilizes a track pitch of 0.646 microns - 1.05 microns to increase the recording density of the optical disc. This alternate physical format is described in column 2, line 63 through column 3, line 2 of the citation, which states:

In accordance with this invention, an optical disk, a method and apparatus for recording that disk and a method and apparatus for reading data from that disk are provided. The disk has a diameter of less than 140 mm, a thickness of  $1.2\text{mm} \pm 0.1\text{mm}$ , and a plurality of record tracks exhibiting a track pitch in the range between  $0.646\text{ }\mu\text{m}$  and  $1.05\text{ }\mu\text{m}$  with data recorded in those tracks as embossed pits.

The restriction as to track pitch is repeated throughout Yonemitsu et al., including: the abstract, col. 5, lines 63-66, and the claims.

Accordingly, the Applicants submit that the citation does not disclose the CD-type disk as recited in claims 4-7, 11-14, and 29, and therefore, the rejection is deemed moot. The Applicants respectfully request reconsideration and allowance of these claims.

The Applicants respectfully submit that independent claims 1, 4, 11, 21, 23, 24, 28, and 29 are all patentable over the Yonemitsu et al. for reasons detailed above, and dependent claims 2, 3, 5-7, 12-14, and 22 are patentable over Yonemitsu et al. for at least the same reasons as their respective base claims, as well as for any additional features they recite.

REJECTION UNDER 35 U.S.C. §103(a):

On pages 4-6, item 5, of the Office Action, the Examiner rejects claims 8-10, 15-20, and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Yonemitsu et al. (U.S. Patent No. 5,734,787) in view of the admitted prior art disclosed in Figure 1 of the present application.

The Applicants initially submit that independent claims 25 and 27 recite CD-type discs. Therefore, the Applicants respectfully submit that these claims are allowable for similar reasons to those detailed above regarding track pitch.

The Applicants further submit that dependent claims 8-10, 15-20, and 26 are patentable over Yonemitsu et al. for at least the same reasons as their respective base claims, as well as for any additional features they recite.

OBVIOUSNESS TYPE DOUBLE PATENTING:

On pages 6-7 of the Office Action, the Examiner provisionally rejects claims 1-32 under the judicially created doctrine of obviousness type double patenting in view of claims 1-29 of copending application No. 09/534,493. The rejection is traversed, and reconsideration is respectfully requested.

In view of the enclosed Terminal Disclaimer, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 1-32.

CONCLUSION:

In accordance with the foregoing, the specification has been amended. Claims 1-29 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

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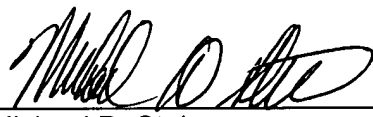
requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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